

CLOSED, ECF, RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-05809-JSR
Internal Use Only**


Alsberge v. Pfizer, Inc. et al
Assigned to: Judge Jed S. Rakoff
Demand: \$100000000
Related Case: 1:04-cv-06704-JSR
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 06/22/2005
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Debra Johnson Alsberge
*as Administratrix of the estate of Richard
Alsberge, deceased*

represented by **Andrew G. Finkelstein**
Finkelstein & Partners, LLP
436 Robinson Avenue
Newburgh, NY 12550
914-562-0203
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A TRUE COPY
J. MICHAEL McMAHON, CLERK
BY 
DEPUTY CLERK

Eleanor Louise Polimeni
Finkelstein & Partners, LLP
436 Robinson Ave.
Newburgh, NY 12550
845-563-9421
Fax: 845-562-3492
Email: epolimeni@lawampm.com
ATTORNEY TO BE NOTICED

V.

Defendant

Pfizer, Inc.

represented by **Erik March Zissu**
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(212) 450-4511
Fax: 212 450-3511
Email: zissu@dpw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Parke-Davis
*a division of Warner-Lambert Company
and Warner-Lambert Company LLC*

represented by **Erik March Zissu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Warner-Lambert Company

represented by **Erik March Zissu**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Warner-Lambert Company LLC**

represented by **Erik March Zissu**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2005	<u>1</u>	COMPLAINT against Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC. (Filing Fee \$ 250.00, Receipt Number 547142) Document filed by Debra Johnson Alsberge.(jbe,) (Entered: 06/23/2005)
06/22/2005	<u>2</u>	Case Designated ECF. (jbe,) (Entered: 06/23/2005)
06/22/2005	<u>3</u>	SUMMONS ISSUED as to Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC. (jbe,) (Entered: 06/23/2005)
06/22/2005	<u>4</u>	CASE REFERRED TO Judge Jed S. Rakoff as possibly similar to 04-6704. (jbe,) (Entered: 06/23/2005)
06/27/2005	<u>5</u>	NOTICE of Appearance by Eleanor Louise Polimeni on behalf of Debra Johnson Alsberge (Polimeni, Eleanor) (Entered: 06/27/2005)
06/30/2005	<u>6</u>	CASE ACCEPTED AS RELATED TO 04cv6704. Notice of Assignment to follow. (jeh,) (Entered: 07/05/2005)
06/30/2005	<u>7</u>	Magistrate Judge Douglas F. Eaton is so designated. (jeh,) (Entered: 07/05/2005)
06/30/2005	<u>8</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned no longer assigned to the case. (jeh,) (Entered: 07/05/2005)
08/06/2005	<u>9</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Pfizer, Inc. served on 7/22/2005, answer due 8/11/2005. Service was accepted by Carol Vogt, Authorized Agent. Document filed by Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/06/2005)
08/07/2005	<u>10</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Parke-Davis served on 7/25/2005, answer due 8/15/2005. Service was accepted by Leslie Porfido, Managing Agent. Document filed by Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/07/2005)
08/07/2005	<u>11</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Warner-Lambert Company served on 7/25/2005, answer due 8/15/2005. Service was accepted by Leslie Porfido, Managing Agent. Document filed by Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/07/2005)
08/07/2005	<u>12</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Warner-Lambert Company LLC served on 7/22/2005, answer due 8/11/2005. Service was accepted by Carol Vogt, Authorized Agent. Document filed by Debra Johnson Alsberge. (Polimeni, Eleanor) (Entered: 08/07/2005)

08/15/2005	●8	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC.(Zissu, Erik) (Entered: 08/15/2005)
08/15/2005	●9	ANSWER to Complaint. Document filed by Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company LLC.(Zissu, Erik) (Entered: 08/15/2005)
08/23/2005	●10	CERTIFIED TRUE COPY OF CONDITIONAL MDL TRANSFER OUT ORDER FROM THE MDL PANEL...transferring this action from the U.S.D.C. (S.D.N.Y) to the United States District Court - District of Massachusetts. (Signed by Judge MDL Panel on 07/25/2005) (jeh,) (Entered: 08/26/2005)
08/23/2005	●	MDL TRANSFER OUT: Mailed certified copy of documents numbered 1;3, docket entries and transfer order along with letter of acknowledgment to the United States District Court - District of Massachusetts. Mailed via Federal Express AIRBILL # 8481 3047 4597 on 08/26/2005. (jeh,) (Entered: 08/26/2005)

I hereby certify on 8/18/05 that the foregoing document is true and correct copy of the

☐ electronic docket in the captioned case

☐ electronically filed original filed on

☒ original filed in my office on 8/18/05

Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts

By: Kimberly
Deputy Clerk

05-5809
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUL 25 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1629

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-11)

On October 26, 2004, the Panel transferred 23 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 62 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of October 26, 2004, 342 F.Supp.2d 1350 (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

AUG 10 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

TRUE COPY
J. MICHAEL McMAHON, CLERK
BY [Signature]
DEPUTY CLERK

FOR THE PANEL:

Michael J. BeckMichael J. Beck
Clerk of the Panel

SCHEDULE CTO-11 - TAG-ALONG ACTIONS
DOCKET NO. 1629
IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION

DIST. DIV. C.A.#

CASE CAPTION

FLORIDA MIDDLE

~~FLM 2 05-310~~

~~Joan Craft, et al. v. Pfizer, Inc., et al.~~

Opposed 8/10/05

NEW YORK SOUTHERN

NYS 1 05-5809

Debra Johnson Alsberge, etc. v. Pfizer, Inc., et al.

NYS 1 05-5810

Robin Stern Briggs, etc. v. Pfizer, Inc., et al.

OHIO SOUTHERN

OHS 2 05-657

Keith Edwards v. Warner-Lambert Co., et al.

PENNSYLVANIA EASTERN

PAE 2 05-3401

Grace Sanutti v. Pfizer, Inc., et al.



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
11 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton
CLERK OF COURT

2005 AUG 29 A 11:50

U.S. DISTRICT COURT
DISTRICT OF MASS.
August 18, 2005

Mr. John Michael McMahon, Clerk
United States District Court
120 Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

IN RE: MDL DOCKET No. 1629 In Re: Neurontin Marketing and Sales Practices
USDC - Massachusetts Lead Case No. 1:04cv10981-PBS

Your Case: Civil Action Nos:

1:05-cv-5809 Alsberge v. Pfizer, Inc. et al

District of MA No: 1:05-cv-11699 PBS

1:05-cv-5810 Briggs v. Pfizer, Inc. et al

District of MA No: 1:05-cv-11700 PBS

Dear Mr. McMahon:

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Patti B. Saris.

In accordance with the Rules concerning Multi-District Litigation, please forward the original case file, along with a certified copy of the docket entries and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records to the above address.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 617-748-9113, Robert Alba, Courtroom Clerk for Judge Saris at 617-748-9175 or Christine Patch, Docket Clerk for Judge Saris, at 617-748-9178.

Sincerely,

Kimberly M. Abaid
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel
Counsel of Record
Robert Alba
Christine Patch